

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

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DEREK MITCHELL

CIVIL ACTION NO. 05-1192-P

versus

JUDGE STAGG

RICHARD STALDER, ET AL.

MAGISTRATE JUDGE HORNSBY

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**MEMORANDUM ORDER**

Plaintiff has filed a Request/Motion for Entry of Default Judgment (Doc. 16) that asserts the Defendants have not timely responded to discovery requests that Plaintiff represents he served on April 20, 2006. The Court's Memorandum Order (Doc. 5) that set forth the relevant schedule directed that each defendant file a response to the complaint and: "after each Defendant's responsive pleadings are filed, an additional sixty (60) days is allowed for all parties to complete all appropriate discovery." Defendants requested and received an extension of time to respond to the complaint, and they then filed an answer on April 27, 2006. Accordingly, Plaintiff's service of discovery on April 20 was premature. Plaintiff's Motion for Entry of Default is, therefore, **denied**. Attached to his motion are copies of the discovery requests at issue, and a copy has been served on counsel for Defendants through the court's electronic noticing system. Accordingly, Defendants will be deemed to have been served with the discovery requests on August 7, 2006, and responses to the discovery are due in accordance with Federal Rules of Civil Procedure based on that service date.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 8th day of August, 2006.

  
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MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE